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PENNIE & EDMONDS, P.C. REG. NO. 8607-023-999

DECLARATION
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

CLONED GLUCAGON-LIKE PEPTIDE 2 RECEPTORS

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on _____ (if applicable)
- ☒ was filed in the United States on June 14, 1999 as Application Serial No. 09/331,127 (for declaration was accompanying application)
- with amendment(s) filed on _____ (if applicable)
- ☐ was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(c) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/845,546	April 14, 1997		X	
PCT/CA97/00969	December 15, 1997		X	

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Mirock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Benj. A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colasanni (Reg. No. 20019), Charles G. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis G. Morris (Reg. No. 24615), Charles G. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas G. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Andler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), Saralynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), James G. Markey (Reg. No. 31636), and Charles F. Hoyng (Reg. No. 35548), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

PENNIE & EDMONDS DOCKET NO. 8607-023-999

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS DOCKETING (212) 790-2803	
1-00 2 0 1	FULL NAME OF INVENTOR	LAST NAME <u>Munroe</u>	FIRST NAME <u>Donald</u>	MIDDLE NAME <u>G.</u>	
	RESIDENCE & CITIZENSHIP	CITY <u>Waterdown</u>	STATE OR FOREIGN COUNTRY <u>Ontario, Canada</u> CAX	COUNTRY OF CITIZENSHIP <u>Canada</u>	
	POST OFFICE ADDRESS	STREET <u>27 Wakefield Lane</u>	CITY <u>Waterdown</u>	STATE OR COUNTRY <u>Ontario, Canada</u>	ZIP CODE <u>L6R 2H3</u>
2-00 2 0 2	FULL NAME OF INVENTOR	LAST NAME <u>Gupta</u>	FIRST NAME <u>Ashwani</u>	MIDDLE NAME <u>K.</u>	
	RESIDENCE & CITIZENSHIP	CITY <u>Mississauga</u>	STATE OR FOREIGN COUNTRY <u>Ontario, Canada</u> CAX	COUNTRY OF CITIZENSHIP <u>Canada</u>	
	POST OFFICE ADDRESS	STREET <u>7031 Dunrobin Way</u>	CITY <u>Mississauga</u>	STATE OR COUNTRY <u>Ontario, Canada</u>	ZIP CODE <u>L5N 6Y4</u>
3-00 2 0 3	FULL NAME OF INVENTOR	LAST NAME <u>Vyas</u>	FIRST NAME <u>Tejal</u>	MIDDLE NAME <u>B.</u>	
	RESIDENCE & CITIZENSHIP	CITY <u>Mississauga</u>	STATE OR FOREIGN COUNTRY <u>Ontario, Canada</u> CAX	COUNTRY OF CITIZENSHIP <u>Canada</u>	
	POST OFFICE ADDRESS	STREET <u>275 Riel Drive</u>	CITY <u>Mississauga</u>	STATE OR COUNTRY <u>Ontario, Canada</u>	ZIP CODE <u>L5B 3K1</u>
4-00 2 0 4	FULL NAME OF INVENTOR	LAST NAME <u>McCallum</u>	FIRST NAME <u>Kirk</u>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <u>Mississauga</u>	STATE OR FOREIGN COUNTRY <u>Ontario, Canada</u> CAX	COUNTRY OF CITIZENSHIP <u>Canada</u>	
	POST OFFICE ADDRESS	STREET <u>3618 Pitch Pine Crescent</u>	CITY <u>Mississauga</u>	STATE OR COUNTRY <u>Ontario, Canada</u>	ZIP CODE <u>L5L 1P8</u>
5-00 2 0 5	FULL NAME OF INVENTOR	LAST NAME <u>Fan</u>	FIRST NAME <u>Eimai</u>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <u>Toronto</u>	STATE OR FOREIGN COUNTRY <u>Ontario, Canada</u> CAX	COUNTRY OF CITIZENSHIP <u>Canada</u>	
	POST OFFICE ADDRESS	STREET <u>20 Southport Street, Apt #418</u>	CITY <u>Toronto</u>	STATE OR COUNTRY <u>Ontario, Canada</u>	ZIP CODE <u>M6S 4Y8</u>
2 0 6	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <u>Donald G. Munroe</u> DATE <u>99.8.17</u>	SIGNATURE OF INVENTOR 202 <u>Ashwani K. Gupta</u> DATE <u>Aug 17, 1999</u>	SIGNATURE OF INVENTOR 203 <u>T. Vyas</u> DATE <u>Aug 17/99</u>	TOTAL D. VYAS
SIGNATURE OF INVENTOR 204 <u>Kirk McCallum</u> DATE <u>99.8.30</u>	SIGNATURE OF INVENTOR 205 <u>[Signature]</u> DATE <u>Sept. 13, 1999</u>	SIGNATURE OF INVENTOR 206	DATE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Munroe et al.
☐ Patent of:



☒ Serial No.: 09/331,127
☐ Patent No.:

Group/Art Unit:

☒ Filed: June 14, 1999
☐ Issued:

Examiner: To Be Assigned

For: CLONED GLUCAGON-LIKE PEPTIDE-2
 RECEPTORS

Attorney Docket No.:
 8607-023-999

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
 [37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act in behalf of
 the concern identified below:

Name of concern Allelix Biopharmaceuticals Inc.

Address of concern 6850 Goreway Drive

Mississauga, Ontario, Canada L4V 1V7

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled **METHODS OF ENHANCING FUNCTIONING OF THE LARGE INTESTINE** by inventor(s) Donald G. Munroe, Ashwani K. Gupta, Tejal B. Vyas, Kirk McCallum, and Ermei Fan, described in

- ☐ the specification filed herewith
☒ application serial no. 09/331,127 filed June 14, 1999
☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify

NY2-98346.1

#3

JOINT

8607-023-999

ASSIGNMENT

WHEREAS, WE, Donald G. Munroe, a citizen of Canada, residing at 27 Wakefield Lane, Waterdown, Ontario, Canada, L6R 2H3; Ashwani K. Gupta, a citizen of Canada, residing at 7031 Dumrobin Way, Mississauga, Ontario, Canada, L5N 6Y4; Tejal B. Vyas, a citizen of Canada, residing at 275 Riel Drive, Mississauga, Ontario, Canada, L5B 3K1; Kirk McCallum, a citizen of Canada, residing at 3618 Pitch Pipe Crescent, Mississauga, Ontario, Canada L5L 1P8; and Ernei Fan, a citizen of Canada, residing at 20 Southport Street, Apt. #418, Toronto, Ontario, Canada M6S 4Y8, ASSIGNORS, are the inventors of the invention in CLONED GLUCAGON-LIKE PEPTIDE 2 RECEPTORS for which we have executed an application for a Patent of the United States

☒ which is executed on ☒ even date herewith or ☐ _____ (date)
☒ which is identified by Pennie & Edmonds LLP docket no. 8607-023-999
☒ which was filed on June 14, 1999, Application No. 09/331,127

and WHEREAS, Allelix Biopharmaceuticals, Inc., 6850 Goreway Drive, Mississauga, Ontario, Canada L4V 1V7, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date Aug 17, 1999 Donald G. Munroe L.S.
Donald G. Munroe

Date Aug 17, 1999 Ashwani K. Gupta L.S.
Ashwani K. Gupta

Date Aug 17, 1999 Tejal B. Vyas L.S.
Tejal B. Vyas

Date Aug 30, 1999 Kirk McCallum L.S.
Kirk McCallum

Date Sept. 13, 1999 Ernei Fan L.S.
Ernei Fan

NY2-985344-1

#3
PTO PCT Rec'd 19 OCT 1999
09/331127

Express Mail No. EM 061 022 455 US

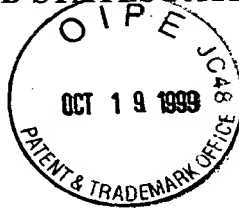
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Drucker

Serial No.: 09/331,127

Filed: June 14, 1999

For: CLONED GLUCAGON-LIKE PEPTIDE-2 RECEPTORS Attorney Docket No.: 8607-023



Examiner: To be assigned

Group Art Unit: 5611

**TRANSMITTAL OF VERIFIED STATEMENT
CLAIMING SMALL ENTITY STATUS**

Assistant Commissioner for Patents
Washington, D.C. 20231

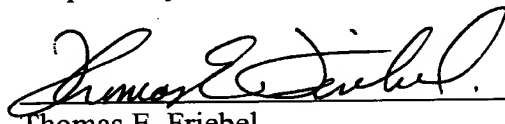
Sir:

Transmitted herewith is the executed Verified Statements Claiming Small Entity Status as Small Business Concern for Allelix Biopharmaceuticals Inc. Also attached is a copy of the Assignment of the above-identified patent application from the inventors, Donald G. Munroe, Ashwani K. Gupta, Tejal B. Vyas, Kirk McCallum, and Ermei Fan Daniel J. Drucker, to Allelix Biopharmaceuticals Inc.

No fee is believed to be due. However, in the event a fee is required, please charge the fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is provided.

Respectfully submitted,

Date October 19, 1999


Thomas E. Friebe 29,258
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(415) 854-3660

Enclosures

as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT
ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT
ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS LLP Direct Telephone calls to:
1155 Avenue of the Americas PENNIE & EDMONDS LLP
New York, N.Y. 10036-2711 (212) 790-9090

Name of person signing Graham StrachanTitle of person other than owner President and Chief Executive OfficerAddress of person signing Allelix Biopharmaceuticals Inc.6850 Goreway Drive, Mississauga, Ontario, Canada L4V 1V7

Signature _____

Date _____

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

NY2-988346.1